

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

**JUNE 1, 2011 AMENDMENTS TO
ECF ADMINISTRATIVE PROCEDURES**

The United States District Court for the District of New Hampshire has amended its ECF Administrative Procedures effective 6/1/11. New matter is underlined; matter to be stricken is crossed out. The ***** denotes omitted text before and/or after the pertinent rule section.

1.1 General Rules

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(b) Effective Date. Effective June 1, 2004, as amended ~~December 1, 2009~~ June 1, 2011.

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(f) Definitions.

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"Data Storage Device" means a device used for storing and transporting electronic data files, including but not limited to a compact disk, USB device or floppy disk.

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"PDF" means Portable Document Format. This includes both "Electronically Converted PDF Documents," which are created from a word processing system (MS Word, WordPerfect, etc.) using PDF/PDF-A creation software and are text searchable, and "Scanned PDF Documents," which are created from paper documents run through a scanner.

2.1 Scope of Electronic Filing

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(d) Pro Se Litigants. A non-incarcerated pro se litigant in a pending case may apply to the court for permission to file documents electronically using ECF on a form prescribed by the clerk's office. If the court initially grants a pro se litigant permission to file documents electronically, that permission is limited to the case specified and the court may withdraw that permission at any time during the pendency of a case. ~~Due to the current limitations of the court's CM/ECF credit card payment software program, a pro se litigant may not electronically file the following documents having a filing fee: case opening documents, notices of appeal or tape requests. All such requests made by a pro se litigant shall be conventionally filed with the appropriate filing fee or in forma pauperis motion.~~

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2.3 Format and Quality Control

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(b) PDF Documents Exceeding Five Megabytes. No individual PDF document exceeding 5 megabytes will be accepted in ECF. Any individual PDF document exceeding 5 megabytes must be divided into separate PDF documents of less than 5 megabytes. Except as provided in AP 2.6, individual PDF documents that exceed 15 megabytes shall not be electronically filed, but instead shall be submitted on a compact disk data storage device. If an individual PDF document exceeds 15 megabytes and is an attachment/non-trial exhibit, it shall be submitted consistent with AP 2.5(d).

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2.4 Civil and Miscellaneous Case Opening Documents

(a) Filing. Civil and miscellaneous case opening documents and related attachments may be (i) electronically filed through the court's ECF system if the attorney Filing User pays the

filing fee using the ECF credit card payment system, simultaneously submits a motion to proceed in forma pauperis, or if no filing fee is required, or (ii) conventionally filed with the appropriate filing fee. If conventionally filed by an attorney, the case opening documents and attachments must also be downloaded onto a ~~3.5 floppy or compact disk~~ data storage device as separate documents in PDF format and received within 48 hours.

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2.6 Certified Documents/Records

Except as provided herein, the following shall be electronically filed consistent with AP 2.3:
(a) ~~all~~ certified documents and records, including the state court record filed in removal proceedings, and (b) to the extent available in electronic format, the administrative record filed in social security cases. In social security cases, (1) the record must be submitted in segments of less than 5 megabytes but the cumulative 15 megabyte filing limit does not apply, and (2) the government shall provide the court with a conventionally filed courtesy copy of the record. shall be scanned and electronically filed consistent with AP 2.3.

III. CONVENTIONAL FILING OF DOCUMENTS

Unless otherwise provided herein, the clerk's office will ~~scan and insert on~~ add to the court's public electronic docket all non-sealed conventionally filed documents referenced in this section.

3.1 Conventional Filings in Criminal Cases

(a) Criminal Charging Documents. All charging documents, including indictments, superseding indictments, informations, complaints and citations or violation notices, and accompanying documents such as supporting affidavits, warrants for arrest, praecipe for summons or warrant, summons (if applicable) and criminal case cover sheets, shall be conventionally filed. Issued warrants for arrest and ~~Criminal~~ case cover sheets will not be scanned and added to the court's electronic docket.

(b) Criminal Applications and Accompanying Affidavits. The following applications, accompanying affidavits and warrants/proposed orders, shall be conventionally filed: ~~arrest warrants~~, seizure warrants, search warrants, pen registers (wire tap requests), and electronic tracking device requests. Issued search/seizure warrants and pen registers (wire tap requests) will not be scanned and added to the court's electronic docket.

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(g) Undocketed Submissions. The following documents may be received in paper by the clerk's office in a criminal case, but will not be added to the public docket in either electronic or conventional format unless ordered by the court: Pretrial Services Reports, ~~Presentation Reports~~, and Statements of Reasons.

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3.2 Conventional Filings in Civil/Miscellaneous Cases

Unless otherwise provided herein, the clerk's office will not scan and insert the following documents to the court's electronic docket.

(a) Administrative Records. ~~Except as provided in AP 2.6, All administrative records and transcripts in social security disability review cases and in any other administrative review proceeding~~ records and transcripts shall be conventionally filed.

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3.3 Sealed Matters

(a) Documents Filed in Sealed Cases. Documents shall be conventionally filed in sealed cases unless the court orders the case unsealed. The Filing User shall also contemporaneously provide the court with a ~~3.5 floppy or compact disk of~~ data storage device containing the main document and any accompanying memorandum of law or exhibits as separate documents in PDF format, which shall be named and organized in a manner that clearly identifies each document.

(b) Sealed Documents Filed In Non-Sealed Cases.

(1) Entire Filing Sealed. If an entire submission, which includes the main document and any accompanying memorandum of law and attachments/exhibits, is sought to be filed under seal, the entire submission shall be conventionally filed. No Notice of Conventional filing should be electronically filed in this circumstance. The Filing User shall also contemporaneously provide the court with a ~~3.5 floppy or compact disk of~~ data storage device containing the main document and any accompanying memorandum of law or exhibits as separate documents in PDF format, which shall be named and organized in a manner that clearly identifies each document.

(2) Filing Containing Both Sealed and Unsealed Documents. If a filing contains both sealed and unsealed documents, the submission shall be electronically filed and a Notice of Conventional Filing shall be inserted in the place where the sealed document(s) would otherwise have appeared on the electronic docket. The documents sought to be sealed shall be conventionally filed within 72 hours of the electronic submission and contemporaneously produced on a ~~3.5 floppy or compact disk~~ data storage device as separate documents in PDF format, which shall be named and organized in a manner that clearly identifies each document.

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4.1 Court Orders

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(d) Proposed Orders. All proposed orders shall be submitted electronically as a separate attachment to a motion or other request for relief or contained within the body of a stipulation. A proposed order may not be submitted as a separate docket entry in ECF unless so requested by the court. Proposed orders shall be submitted in a converted PDF format, not a scanned PDF format, and shall be clearly captioned as a “Proposed” order. The court may request the parties submit a proposed order in word processing format on a ~~3.5" floppy or compact disk~~ data storage device or by e-mail.

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4.2 Transcripts of Federal Court Proceedings in this District

(a) Electronic Filing of Original Transcripts. All original transcripts shall be electronically filed, ~~conventionally in the clerk’s office as well as electronically in CM/ECF,~~ which shall generate a Notice of Electronic Filing of a Transcript to be served on the parties.

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(e) Electronic Filing of Redacted Transcripts. If a Transcript Redaction Request is timely made or a motion to redact additional information is granted, a redacted transcript shall be electronically filed ~~conventionally in the clerk’s office as well as electronically in CM/ECF~~ within thirty-one (31) days after the original transcript was filed with the court.